

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Summitbridge National Investments LLC v J Sell Enterprises LLC**

Docket No. **268840**

L.C. No. **04-005780 CK**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The claim of appeal filed on March 7, 2006 is DISMISSED for lack of jurisdiction because appellant failed to file the claim within 21 days of the final order entered on December 15, 2005 as required by MCR 7.204(A)(1)(a). It was the December 2005 order that was the final order as it was the first order disposing of the claims of the parties. See MCR 7.202(6)(a)(i). The February 16, 2006 amended order is not a final order since it was not the first order. The court would note that if there was a problem with timely service of the December 2005 final order, the only remedy available to the defendants was to file a claim of appeal with the Court of Appeals with an affidavit. Defendants could not return to the trial court. See MCR 7.204(A)(3). As a result, appellants may only challenge the order in question by filing a delayed application for leave to appeal under MCR 7.205.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAR 31 2006

Date

Sandra Schultz Mengel
Chief Clerk